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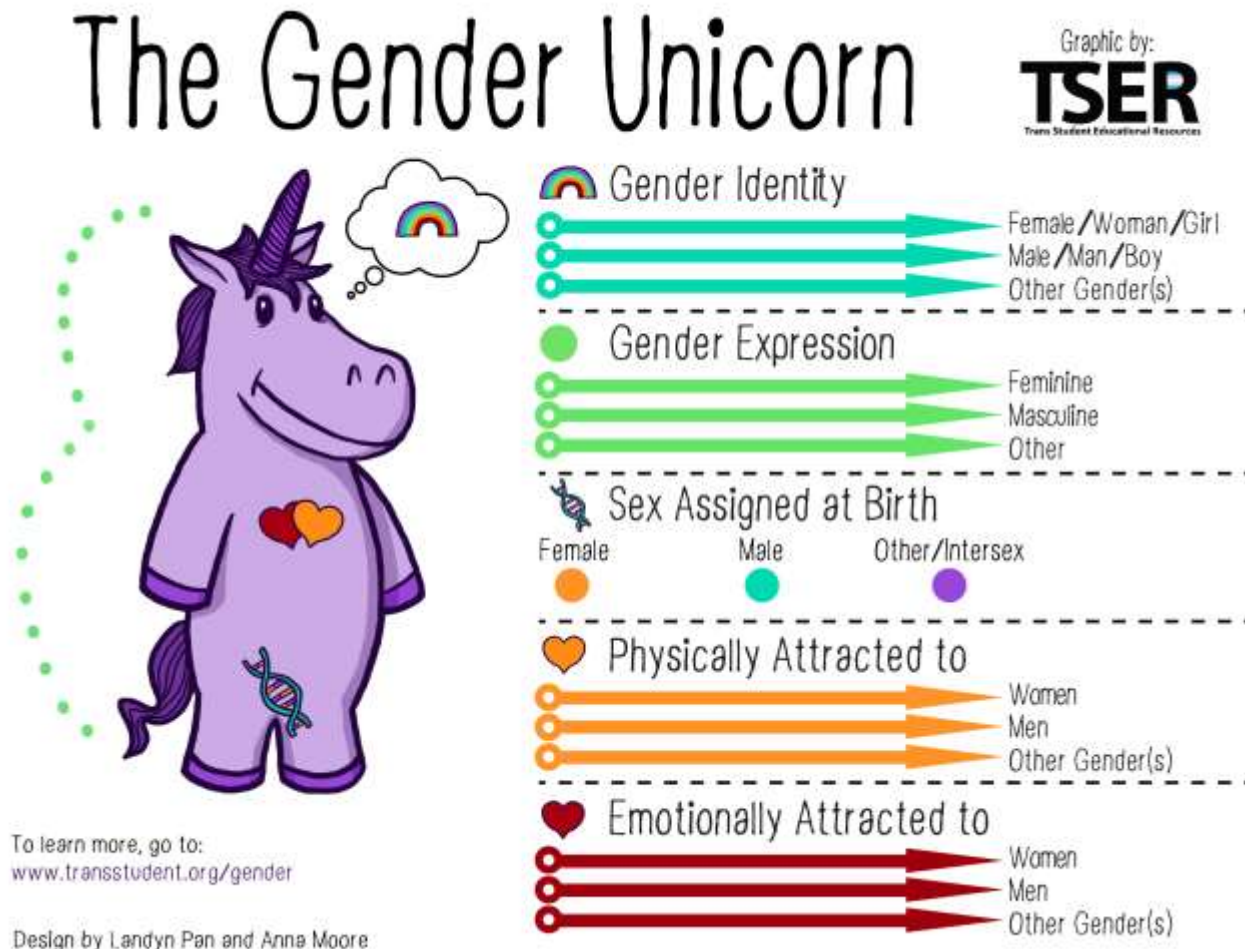
## **2021 Virtual Elder Law Day Summer Series**

***Issues Facing LGBT Older Adults***

***Presentation By Christopher Phillips (He/Him/His)***

Please Note that the Information Contained in this Informational Presentation does not Constitute Legal Advice and does not Establish an Attorney-Client Relationship

# BASELINE CONCEPTS



- **Transgender** – Gender Identity Differs from Sex Assigned at Birth
- **Cisgender** – Gender Identity Aligns with Sex Assigned at Birth
- **Gender Non-Conforming** – Gender Identity does not conform to binary (male/female) gender
  - Also may use Non-Binary, Fluid, Gender Expansive



# FINDING THE RIGHT LANGUAGE FOR OLDER ADULTS

- LGBT → Lesbian, Gay, Bisexual, and Transgender
  - LGBTQ, LGBTQ+, 2SLGBTQIA+, etc.
- Older Adults → 50 Years Old and Up
  - Seniors, Elders, etc.
- **LGBT Older Adults**



# THREE GENERATIONS OF LGBT OLDER ADULTS

*The Future of LGBT+ Aging: A Blueprint for Action in Services, Policies, and Research, Fredriksen-Goldsen, et al. (2016).*

## **Invisible Generation**

(Born 1920's)  
Great Depression &  
WWII;  
Limited Disclosure  
of LGBT Identities

## **Silent Generation**

(Born 1930's/1940's)  
Coming of Age  
During McCarthy  
Trials;  
Criminalization of  
Same-Sex Relations

## **Pride Generation**

(Born  
1950's/1960's)  
Tremendous Social  
Change & Civil  
Rights Movements;  
1980's AIDS Crisis



2011 – Don't Ask Don't Tell  
Policy Repealed



2015 – Marriage Equality in All  
50 States



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# LIVED EXPERIENCES OF LGBT OLDER ADULTS

*PROVIDING PERSPECTIVE*



# UNIQUE NETWORKS OF SUPPORT



**Family of Origin**

Vs.



**Family of Choice**



# RELATIONSHIP RECOGNITION AND MARRIAGE

- Freedom to marry became available nationwide in 2015
  - Patch work of protections prior to 2015
- Many LGBT Older Adults chose not to marry, due to long-term absence of this right
- Domestic Partnerships do not always have the same legal protections as marriages



# LEGAL IMPLICATIONS – LACK OF MARITAL BENEFITS

- Social Security Benefits
  - Spousal Survivor Benefit
- Death Benefits
- Inheritance Rights
- Tax Benefits
- Pension Benefits
- Veterans Benefits
- Immigration Benefits

CHECKLIST

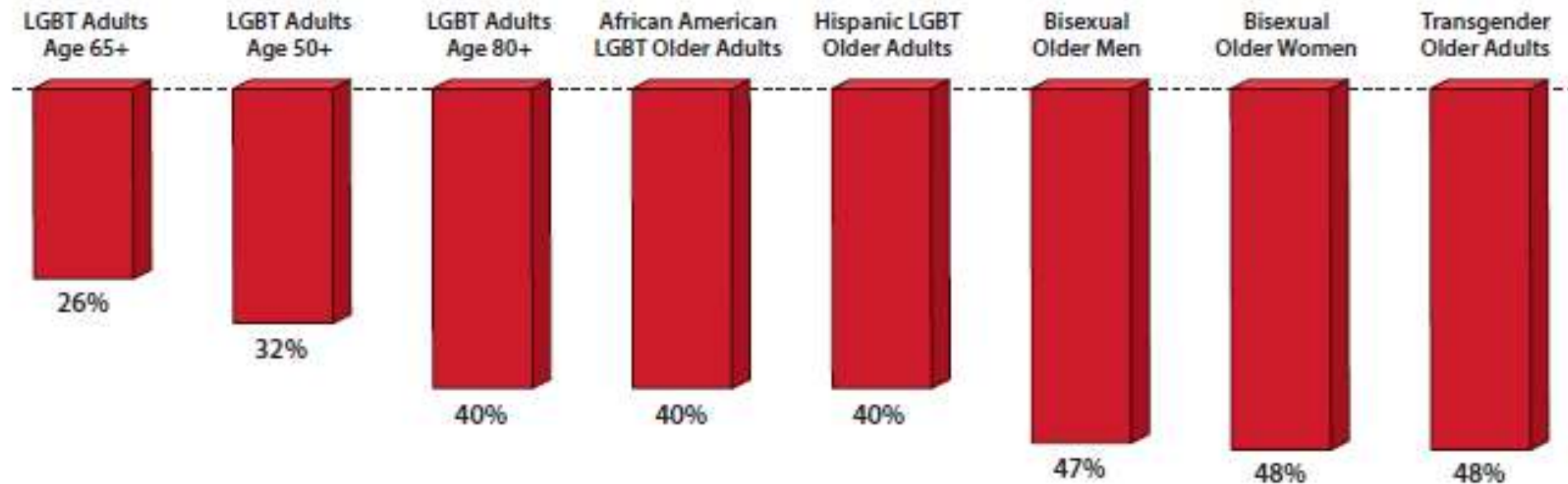
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# ECONOMIC DISPARITIES

**Figure 6: LGBT Older Adults are More Likely to Live in Poverty**  
% of Older Adults Who Live at or Below 200% of the Federal Poverty Level, by Population



Source: Charles A. Emlet, "Social Economic, and Health Disparities Among LGBT Older Adults," *Generations: Journal of the American Society on Aging* 40, no. 2 (2016).



# GLOBAL VIEW OF DISPARITIES



Consumer Debt Issues

## Hesitancy to Access Services

Lack of Access to Quality  
Health Care



Social Isolation



# LGBT ELDER ABUSE & EXPLOITATION

- Distrust of Authorities; History of Self-Reliance
- Increased Social Isolation
- Fears of Aging Alone (Sweetheart Scams)
- Feelings of “This is what it means to be LGBT”
- Threats to “Out” the Older Adult



# LGBT OLDER ADULTS – CONSIDERATIONS AS THEY AGE

- Aging Alone
- Aging Networks of Support
- Long Term Care Options
  - Assisted Living, Skilled Nursing Facilities, Home-Based Services
- Lack of Access to Welcoming Services



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# COMMONLY OCCURRING LEGAL ISSUES

*FACED BY LGBT OLDER ADULTS*



Disclaimer: This is general information only. Please contact an attorney of your choosing to discuss these issues in more detail.

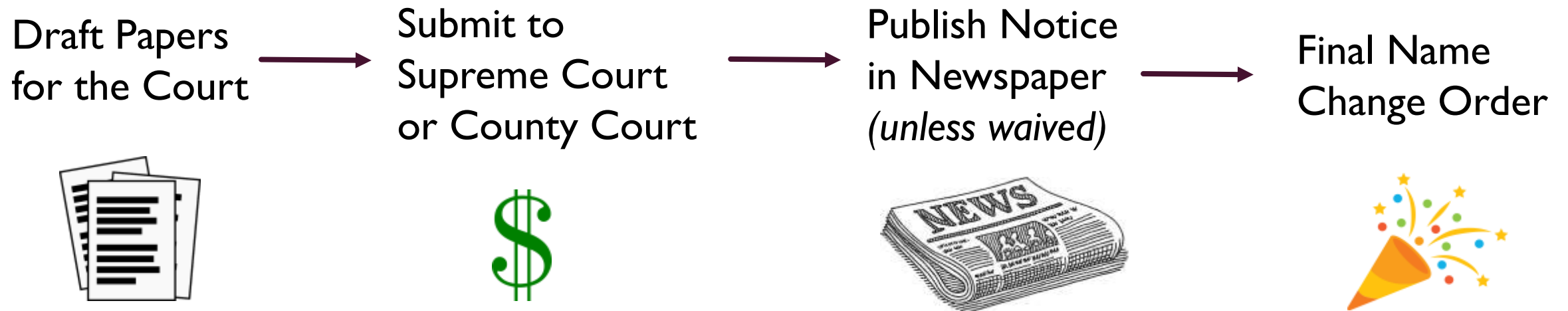
# ADVANCE PLANNING DOCUMENTS

- Power of Attorney
  - Health Care Proxy
  - Last Will and Testament
- 
- Draft these documents if person would like to provide for “family of choice” or give them a say in person’s care



# LEGAL NAME CHANGE

## Article 6 of the New York Civil Rights Law



*\*Changes to the law are forthcoming in December 2021*



# DISCRIMINATION COMPLAINTS

Those facing discrimination on the basis of Sexual Orientation or Gender Identity in the areas of Employment, Housing, and Places of Public Accommodation, can file complaints with:



OR



State Courts





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# HOW CAN WE HELP?

*TIPS FOR SERVICE PROVIDERS IN BUILDING LGBT INCLUSIVE PRACTICES*



# TIPS FOR SERVICE PROVIDERS TO BUILD INCLUSIVE ENVIRONMENTS

## Internal Practices

- Updating Intake Procedures
  - Pronouns; Gender Identity; Relationship Status; and Family Structures
- Create/Revise Non-Discrimination Policy
- Highlight Confidentiality Policy
- Respect Person's Pronouns and Identity
- Encourage "Cultural Competence" Training



# TIPS FOR SERVICE PROVIDERS TO BUILD INCLUSIVE ENVIRONMENTS

## External Practices

- Rebranding External Marketing
- Have LGBT-Friendly Publications and Materials in Common Areas
- Partnering with LGBT Organizations
  - Cultivate Relationship with Members
- Ask Questions



# CENTER FOR ELDER LAW & JUSTICE (CELJ)

- Legal Services Agency in Buffalo
- Serve 11 Counties of Western New York
  - Erie, Niagara, Orleans, Allegany, Chautauqua, Cattaraugus, Wyoming, Genesee, Steuben, and Helpline in Livingston/Monroe County
- Income or Age Restrictions May Apply (60+ for many services)



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## SERVICES AT CELJ

Health Care Advocacy

Income Maintenance

Housing

Elder Abuse Prevention



CENTER FOR  
**ELDER  
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Foreclosure Prevention

Consumer Protection

Pooled Trust

Refugee and New American Services



# **SILVER PRIDE PARTNERSHIP**

## ***FREE LEGAL SERVICES FOR LGBT OLDER ADULTS***

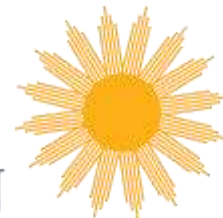
### **Services Offered**

- Advance Planning
  - Power of Attorney; Health Care Proxy; Last Will & Testament
- Name Changes
- Gender Marker Changes
- Discrimination Complaints
- Long Term Care Resident Advocacy
- Legal Health “Check-Ups”

### **Eligibility for Services**



- Adults Ages 50+
- 200% of the Federal Poverty Level
- Being Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Plus (LGBTQ+)



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**Borchard Foundation**  
*Center on Law & Aging*



# FREE SENIOR LEGAL ADVICE HELPLINE

Individuals Age 55+

Live Attorney from  
9:00 AM – 11:00 AM  
Monday - Friday



**1-844-481-0973**

**[helpline@elderjusticenyc.org](mailto:helpline@elderjusticenyc.org)**



# TAKEAWAYS – EMPOWERING LGBT OLDER ADULTS





# HOW TO REACH ME



## Address

Center for Elder Law & Justice  
438 Main Street  
Suite 1200  
Buffalo, New York 14202



Christopher J. Phillips  
*Staff Attorney*  
*Borchard Fellow*



## Main Intake Line

(716) 853-3087

## My Direct Extension

(716) 853-3087, ext. 283

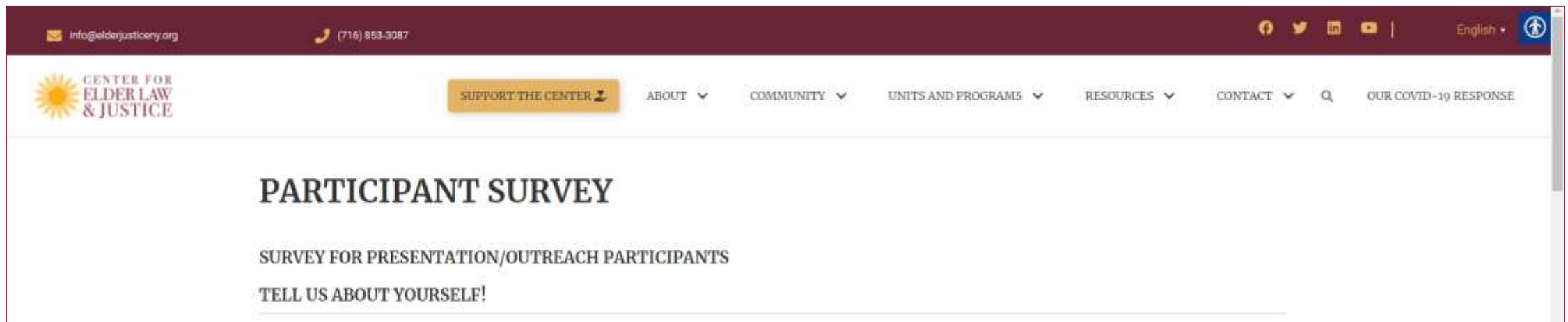
## Email

[cphillips@elderjusticenyny.org](mailto:cphillips@elderjusticenyny.org)



**PLEASE TELL US HOW WE DID**

**We Value Your Feedback!**



**<https://elderjusticenyc.org/participant-survey/>**



# QUESTIONS OR COMMENTS?

